



Express Mail No. EL 501 636 579 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application of: Beetham *et al.*

Application No.: 09/685,403

Group Art Unit: To Be Assigned

Filed: October 10, 2000

Examiner: To Be Assigned

For: NON-TRANSGENIC HERBICIDE
RESISTANT PLANTS

Attorney Docket No. 7991-086

**SUBMISSION OF EXECUTED DECLARATION, POWER OF
ATTORNEY, REQUEST TO ESTABLISH SMALL ENTITY STATUS,
AND REQUEST FOR REFUND**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

On October 10, 2000, Attorneys for Applicants filed the subject application with an unexecuted Declaration and Power of Attorney. Attorneys for Applicants submit concurrently herewith (a) a Declaration, which has been executed by the inventors, **Peter R. Beetham, Patricia L. Avissar, Keith A. Walker, and Richard A. Metz**, on December 29, 2000, December 20, 2000, December 29, 2000, and December 20, 2000, respectively; (b) a Power of Attorney, executed on behalf of the Assignee, Valigen (US), Inc.; (c) a Request to Establish Small Entity Status under 37 C.F.R. § 1.27(c); (d) a Request for Refund Pursuant to 37 C.F.R. § 1.28(a); and (e) a Verified Statement Claiming Small Entity Status, executed on behalf of the Assignee, Valigen (US), Inc.

Also submitted herewith, under separate cover, is an Assignment of the inventors' rights in the invention and an Assignment Recordation Cover Sheet.

A fee of \$65.00 (small entity) is believed due. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this Sheet is enclosed for accounting purposes.

Respectively submitted,

✓

✓

By *Richard A. Metz*
REG NO 41 127

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, N.Y. 10036



DECLARATION OF "PROVISIONAL PATENT APPLICATION"

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

NON-TRANSGENIC HERBICIDE RESISTANT PLANTS

and for which a patent application:

☐ is attached hereto and includes amendment(s) filed on *(if applicable)*

☒ was filed in the United States on **October 10, 2000**, as Application No. **09/685,403**

with amendment(s) filed on *(if applicable)*

☐ was filed as PCT international Application No. on and was amended under PCT Article 19 on *(if applicable)*

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE
60/158,027	October 7, 1999
60/173,564	December 30, 1999

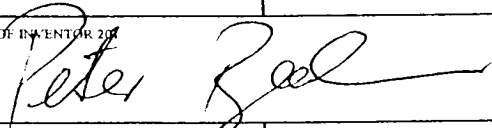
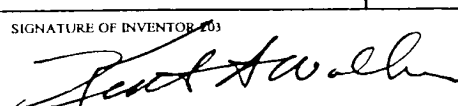
I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

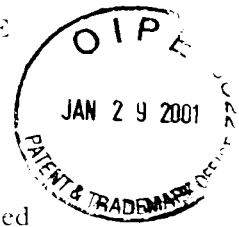
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2 0 1	FULL NAME OF INVENTOR	LAST NAME BEETHAM	FIRST NAME PETER	MIDDLE NAME R.	
	RESIDENCE & CITIZENSHIP	CITY CARLSBAD	STATE OR FOREIGN COUNTRY CALIFORNIA	COUNTRY OF CITIZENSHIP AUSTRALIA	
	POST OFFICE ADDRESS	STREET 7128 TANAGER DRIVE	CITY CARLSBAD	STATE OR COUNTRY CALIFORNIA	ZIP CODE 92009
		SIGNATURE OF INVENTOR 201		DATE	
2 0 2	FULL NAME OF INVENTOR	LAST NAME AVISSAR	FIRST NAME PATRICIA	MIDDLE NAME L.	
	RESIDENCE & CITIZENSHIP	CITY EAST BRUNSWICK	STATE OR FOREIGN COUNTRY NEW JERSEY	COUNTRY OF CITIZENSHIP UNITED STATES	
	POST OFFICE ADDRESS	STREET 32 REVOCK ROAD	CITY EAST BRUNSWICK	STATE OR COUNTRY NEW JERSEY	ZIP CODE 08816
		SIGNATURE OF INVENTOR 202 <i>P. Avissar</i>		DATE 12/20/2000	
2 0 3	FULL NAME OF INVENTOR	LAST NAME WALKER	FIRST NAME KEITH	MIDDLE NAME A.	
	RESIDENCE & CITIZENSHIP	CITY SAN DIEGO	STATE OR FOREIGN COUNTRY CALIFORNIA	COUNTRY OF CITIZENSHIP UNITED STATES	
	POST OFFICE ADDRESS	STREET 13315 ROXTON CIRCLE	CITY SAN DIEGO	STATE OR COUNTRY CALIFORNIA	ZIP CODE 92130
		SIGNATURE OF INVENTOR 203		DATE	
2 0 4	FULL NAME OF INVENTOR	LAST NAME METZ	FIRST NAME RICHARD	MIDDLE NAME A.	
	RESIDENCE & CITIZENSHIP	CITY LAWRENCEVILLE	STATE OR FOREIGN COUNTRY NEW JERSEY	COUNTRY OF CITIZENSHIP UNITED STATES	
	POST OFFICE ADDRESS	STREET 37 WINTHROP ROAD	CITY LAWRENCEVILLE	STATE OR COUNTRY NEW JERSEY	ZIP CODE 08648
		SIGNATURE OF INVENTOR 204 <i>Richard Metz</i>		DATE 12/20/2000	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2 0 1	FULL NAME OF INVENTOR	LAST NAME BEETHAM	FIRST NAME PETER	MIDDLE NAME R.	
	RESIDENCE & CITIZENSHIP	CITY CARLSBAD	STATE OR FOREIGN COUNTRY CALIFORNIA	COUNTRY OF CITIZENSHIP AUSTRALIA	
	POST OFFICE ADDRESS	STREET 7128 TANAGER DRIVE	CITY CARLSBAD	STATE OR COUNTRY CALIFORNIA	ZIP CODE 92009
	SIGNATURE OF INVENTOR 201 			DATE 12/21/2000	
2 0 2	FULL NAME OF INVENTOR	LAST NAME AVISSAR	FIRST NAME PATRICIA	MIDDLE NAME L.	
	RESIDENCE & CITIZENSHIP	CITY EAST BRUNSWICK	STATE OR FOREIGN COUNTRY NEW JERSEY	COUNTRY OF CITIZENSHIP UNITED STATES	
	POST OFFICE ADDRESS	STREET 32 REVOCK ROAD	CITY EAST BRUNSWICK	STATE OR COUNTRY NEW JERSEY	ZIP CODE 08816
	SIGNATURE OF INVENTOR 202			DATE	
2 0 3	FULL NAME OF INVENTOR	LAST NAME WALKER	FIRST NAME KEITH	MIDDLE NAME A.	
	RESIDENCE & CITIZENSHIP	CITY SAN DIEGO	STATE OR FOREIGN COUNTRY CALIFORNIA	COUNTRY OF CITIZENSHIP UNITED STATES	
	POST OFFICE ADDRESS	STREET 13315 ROXTON CIRCLE	CITY SAN DIEGO	STATE OR COUNTRY CALIFORNIA	ZIP CODE 92130
	SIGNATURE OF INVENTOR 203 			DATE 12/21/2000	
2 0 4	FULL NAME OF INVENTOR	LAST NAME METZ	FIRST NAME RICHARD	MIDDLE NAME A.	
	RESIDENCE & CITIZENSHIP	CITY LAWRENCEVILLE	STATE OR FOREIGN COUNTRY NEW JERSEY	COUNTRY OF CITIZENSHIP UNITED STATES	
	POST OFFICE ADDRESS	STREET 37 WINTHROP ROAD	CITY LAWRENCEVILLE	STATE OR COUNTRY NEW JERSEY	ZIP CODE 08648
	SIGNATURE OF INVENTOR 204			DATE	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re: ☒ Application of: Beetham et al.
☐ Patent of:

☒ Application No.: 09/685,403
☐ Patent No.:

Group Art Unit: To be assigned

☒ Filed: October 10, 2000
☐ Issued:

Examiner: To be assigned

For: NON-TRANSGENIC HERBICIDE
RESISTANT PLANTS

Attorney Docket No.: 7991-086

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 C.F.R. § 1.27(a)(2)] - Small Business Concern

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act in behalf of the concern identified below:

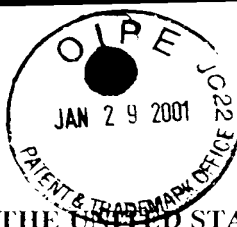
Name of organization ValiGen (US), Inc.
Address of organization 300 Pheasant Run
Newtown, Pennsylvania 18940

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 C.F.R. § 1.27(a)(2), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern and/or there is an obligation under contract or law by the inventor(s) to convey rights to the small business concern with regard to the invention entitled by inventor(s) Beetham et al. described in

- ☐ the specification filed herewith
- ☒ application no.: 09/685,403, filed October 10, 2000
- ☐ patent no. issued

as an independent inventor under 37 C.F.R. § 1.27(a)(1) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.27(a)(2), or a nonprofit organization under 37 C.F.R. § 1.27(a)(3).



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RESISTANT PLANTS

Attorney Docket No.: 7991-086

REQUEST FOR REFUND PURSUANT TO 37 C.F.R. § 1.28(a)

Assistant Commissioner for Patents
Washington, D.C. 20231
Attention: Refund Section, Accounting Division

Sir:

A filing fee in excess of the required fee has been paid in connection with the subject patent application. In particular, a fee of \$1464.00 has been timely paid from Pennie & Edmonds LLP Deposit Account No. 16-1150, of which \$732.00 is in excess of the amount required. ValiGen (US), Inc. qualifies as a small entity under 37 C.F.R. §§ 1.27(a)(2) and, therefore, pursuant to 37 C.F.R. § 1.27(b), a fee of only \$732.00 is required. Also, submitted concurrently herewith, is a Verified Statement Claiming Small Entity Status and a Request to Establish Small Entity Status. Pursuant to 37 C.F.R. § 1.28(a), Applicants hereby request a refund of the excess filing fee within the time period of three months from its payment.

Accordingly, please refund the excess by crediting \$732.00 to Deposit Account No. 16-1150. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: January 10, 2001

Thomas E. Friebe
Thomas E. Friebe, Esq.

By L. J. [Signature]
REG NO 40, 43
29,258
(Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosures